

Case 2:05-cv-018-BMS Document 9 Filed 07/19/05 Page 1 of 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARTHA JANE TOY,	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
PLUMBERS & PIPEFITTERS	:	No. 05-1814
LOCAL UNION NO. 74 PENSION	:	
PLAN, et al.,	:	
Defendants.	:	

ORDER

AND NOW, this 19th day of July, 2005, it is hereby ORDERED that:

1. Defendants' Motion to Dismiss (Document No. 6) is **DENIED** without prejudice.
2. The parties shall conduct limited discovery on the jurisdictional issue raised by Defendants' motion. Such limited discovery shall close Friday, August 26, 2005.
3. Defendants shall reply to the discovery requests outlined in the letter attached as Exhibit A to Plaintiff's response to Defendant's motion to dismiss.
4. Defendants may re-file the motion to dismiss no later than Friday, September 2, 2005.
5. Plaintiff shall respond to the re-filed motion no later than Friday, September 9, 2005.

BY THE COURT:



Berle M. Schiller, J.

EXHIBIT A

LAW OFFICES OF WILLIAM B. HILDEBRAND L.L.C.

By: William B. Hildebrand

1040 North Kings Highway

Suite 601

Cherry Hill, NJ 08034

(856) 482-7100

Attorney for Plaintiff

WH:4166

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Martha Jane Toy, individually, and as
Executrix and Personal Representative of
Estate of Russell B. Toy, deceased,

Plaintiffs,

v.

Plumbers & Pipefitters Local Union No. 74
Pension Plan, et al.

Defendants.

C.A. No. 05-1814

DEPOSITION NOTICE

TO: Timothy J. Snyder, Esq.
Young, Conaway, Stargatt & Taylor, LLP
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, DE 19801

PLEASE TAKE NOTICE that in accordance with the Federal Rules of Civil
Procedure Plaintiff shall take the deposition of the following persons on August 16, 2005:

Rule 30(b)(6) representative 10:00 a.m.

The Rule 30(b)(6) representative is the individual with most knowledge and
information regarding the following subjects:

EXHIBIT B

1. Defendants' full name and address, dates of incorporation/inception, and name and address of any predecessor funds.
2. Nature and location of any offices, property or bank accounts in Pennsylvania.
3. Amount and source of money received from businesses located in Pennsylvania.
4. Amount of pension and medical benefits paid to or on behalf of beneficiaries located in Pennsylvania.
5. Amount of money paid for covered medical benefits to health care providers located in Pennsylvania.
6. Money paid for legal, actuarial or accounting services.
7. Residence of Defendants' Plan Administrators and Trustees.
8. Person(s) involved (in any way) in decision to deny Plaintiff's claim or additional pension, medical and life insurance benefits.
9. Name and address of union members living or working in Pennsylvania.

The aforesaid deposition will be held at the Law Offices of William B. Hildebrand L.L.C., 1040 North Kings Highway, Suite 601, Cherry Hill, NJ 08034.

Dated: 7/25/05


William B. Hildebrand

AUG-23-2005 16:10

YCST

382 571 0712 P.03

YOUNG CONAWAY STARGATT & TAYLOR, LLP

William B. Hildebrand, Esquire

August 23, 2005

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third party administrator that the MIS system is currently inaccessible as a result of a recent flood and evacuation at their Pittsburgh headquarters. To the extent that the third party administrator is unable to access the necessary data, I will actually need to seek relief from the Court's order requiring production by Friday, August 26, 2005. However, I do not yet know if that will be necessary.

Judge Schiller did not order the Defendants to respond to interrogatories by Friday, August 26, 2005. Judge Schiller certainly did not order the Defendants to respond by a certain time on August 26, 2005 either.

Similarly, Judge Schiller did not order the Defendants to respond to the letter to the Union, the non-party, on August 26, 2005 or at any other specific time.

Should you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,



Curtis J. Crowther

cc: Timothy J. Snyder, Esquire
D. Fon Mattemare-Walker, Esquire

DE01504272.1

081011.0003

TOTAL P.03

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARTHA JANE TOY,	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
PLUMBERS & PIPEFITTERS	:	No. 05-1814
LOCAL UNION NO. 74 PENSION	:	
PLAN, et al.,	:	
Defendants.	:	

ORDER

AND NOW, this 23rd day of August, 2005, it is hereby ORDERED that:

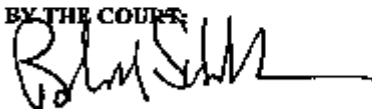
1. By Friday, August 26, 2005, counsel for Defendants shall provide to counsel for Plaintiff the following:
 - a. The number and locations of employers located in Pennsylvania who have provided contributions to Defendants within the last five years.
 - b. The number and locations of benefit recipients who reside or have resided in Pennsylvania over the last five years.
 - c. The gross payout of benefits that the Defendants have made to beneficiaries in Pennsylvania over the last five years.
2. Plaintiff may depose a 30(b)(6) witness related solely to the information contained in paragraph one. The deposition shall be completed by Friday, September 2, 2005.
3. Defendants may re-file the motion to dismiss no later than Friday, September 9, 2005.

EXHIBIT E

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4. Plaintiff shall respond to the re-filed motion no later than Friday, September 16, 2005.

BY THE COURT:



Berle M. Schiller, J.

ALAN L. LESKY & ASSOCIATES
THE LEXINGTON BUILDING, SUITE 5
180 TUCKERTON ROAD
MEDFORD, NEW JERSEY 08055
(856) 983-3282
IRS ID# 149-38-6417

WILLIAM B. HILDEBRAND, ESQUIRE
LAW OFFICE OF WILLIAM B. HILDEBRAND
1040 KINGS HIGHWAY NORTH
SUITE 601
CHERRY HILL, NJ 08034

August 23, 2005

Invoice# 42853

Balance: \$539.25

Re: TOY VS PLUMBER'S & PIPEFITTER'S
on 08/19/05 by CORBETT & ASSOCIATES

Invoicing Information

<u>Charge Description</u>	<u>Amount</u>
APPEARANCE OF C.S.R. - WILMINGTON, DE	75.00
TRANSCRIPT: SCOTT ERNSBERGER, 76 PAGES, O&ICC DAILY	436.00
POSTAGE AND HANDLING	8.25

1.50% per month on unpaid balance

Please Remit - - - > Total Due: \$539.25

EXHIBIT F

